

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Cadles of Grassy Meadows II, LLC, as
assignee of Federal Deposit Insurance
Corporation

Plaintiff,

V.

James F. Brennan

Defendant.

)
)
)
)
)
)
)
)
)
)

No.

FILED: JUNE 3, 2008

08CV3213 LI

JUDGE PALLMEYER

MAGISTRATE JUDGE COLE

REGISTRATION OF FOREIGN JUDGMENT

Plaintiff Cadles of Grassy Meadows II, LLC, as assignee of Federal Deposit Insurance Corporation, by its attorneys, hereby registers the judgment entered against Defendant James F. Brennan, and states as follows:

1. On or about December 14, 1992, a Request For Default Judgment was allowed in favor of Federal Deposit Insurance Corporation, as Receiver for Yankee Bank for Finance & Savings, FSB and against James F. Brennan, in the United States District Court for the District of Massachusetts, Docket No. 91-11006 MA, in the amount of \$3,126,910.13. A true and correct copy of the Judgment Order is attached hereto as Exhibit A. A final order granting this judgment was entered on November 4, 1996.

2. On or about June 26, 1996, Federal Deposit Insurance Corporation, as Receiver for Yankee Bank for Finance & Savings, FSB assigned the judgment to CNF First Associates II, L.P., and a copy of the assignment is attached hereto as Exhibit B. On or about December 29,

2003, CNF First Associates II, L.P. assigned the judgment to Cadles of Grassy Meadows II, LLC, the Plaintiff herein, and a copy of the assignment is attached hereto as Exhibit C. The Cadle Company is the bona fide owner of the chose in action represented by the judgment.

3. Interest has accrued on the judgment totaling \$2,613,061.45 as of May 6, 2008.

4. Plaintiff has demanded from Defendant the sum of \$3,126,910.1, plus interest, but Defendant has failed and refused to pay said sum or any portion thereof.

5. The last known address of the Defendant James F. Brennan is 25 East Superior Street, Apt. 2805, Chicago, IL 60611.

WHEREFORE, Cadles of Grassy Meadows II, LLC, as assignee of Federal Deposit Insurance Corporation, Plaintiff herein, respectfully prays that it be allowed to register its Judgment, against Defendant James F. Brennan in the United States District Court for the Northern District of Illinois, Eastern Division in order to effect enforcement of said Judgment, and for such other and further relief as the Court deems just and appropriate.

Respectfully submitted,

Cadles of Grassy Meadows II, LLC, as
assignee of Federal Deposit Insurance
Corporation

By: /s/ Kenneth B. Drost
One of its Attorneys

Kenneth B. Drost, Esq.
KENNETH B. DROST, P.C.
111 Lions Drive, Suite 206
Barrington, Illinois 60010
(847) 381-1070
Attorney No. 23746

08CV3213 LI
JUDGE PALLMEYER
MAGISTRATE JUDGE COLE

EXHIBIT A

JUDGMENT ORDER

UNITED STATES DISTRICT COURT

~~Eastern~~ W

District of

Massachusetts

EXEMPLIFICATION CERTIFICATE

I, SARAH A. THORNTON, Clerk of this United States District Court, keeper of the records and seal, certify that the attached documents:

Document #15, Endorsed Order Allowing Motion for Entry of Final Judgment.
Document #16, Affidavit of Frederick C. Marden.

are true copies of records of this Court.

In testimony whereof I sign my name and affix the seal of this Court BOSTON on 12/14/2006

Sarah A. Thornton
Clerk

[Signature]
(By) Deputy Clerk



I, CHIEF JUDGE MARK L. WOLF, a Judicial Officer of this Court, certify that SARAH A. THORNTON, named above, is and was on the date noted, Clerk of this Court, duly appointed and sworn, and keeper of the records and seal, and that this certificate, and the attestation of the record, are in accordance with the laws of the United States.

December 15, 2008
Date

Mark L. Wolf
Signature of Judge

Chief Judge
Title

I, SARAH A. THORNTON, Clerk of this United States District Court, keeper of the seal, certify that the Honorable CHIEF JUDGE MARK L. WOLF,
Judge

named above, is and was on the date noted a Judicial Officer of this Court, duly appointed, sworn and qualified, and that I am well acquainted with the Judge's official signature and know and certify the above signature to be that of the Judge.

In testimony whereof I sign my name, and affix the seal of this Court at

BOSTON

City

12/14/2006

Date

Sarah A. Thornton
Clerk



UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

FEDERAL DEPOSIT INSURANCE
CORPORATION,
as Receiver for Yankee Bank
for Finance & Savings, FSB,

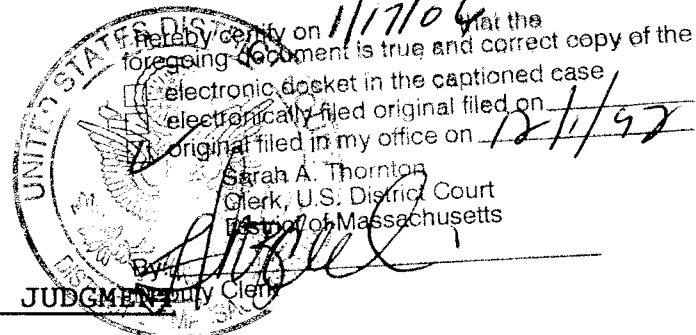
Plaintiff,

v.

JAMES F. BRENNAN,

Defendant.

Civil Action
No. 91-11006 MA



REQUEST FOR DEFAULT JUDGMENT

The Federal Deposit Insurance Corporation, as receiver for Yankee Bank for Finance and Savings, FSB ("FDIC"), hereby requests that Default Judgment be entered in favor of the FDIC pursuant to Fed. R. Civ. P. 55(b)(2), and in support thereof states as follows:

1. On or about May 15, 1991 the FDIC filed a Request for Default pursuant to Fed. R. Civ. P. 55(a), a copy of which is attached hereto as Exhibit 1. The Defendant filed no responsive pleading.

2. On or about June 4, 1991, the Court allowed the FDIC's Request for Default and issued a Notice of Default. A copy of the Court's order is attached hereto as Exhibit 2. A copy of the Notice of Default is attached hereto as Exhibit 3.

3. Accordingly, as the FDIC's request has been allowed by this Court, the FDIC is entitled to entry of a default judgment

*MAZZONE DJ: Allowed by the court. Sr Counsel
12-14-92 Shall submit a proposed form of
Judgment.*

*M. Molloy
Deputy Clerk*



in the amount of \$3,126,910.13 plus pre-judgment interest from November 24, 1992 to the date of entry of final judgment, inclusive, as calculated below:

a. Award on the promissory notes and guaranty stated in Plaintiff's Complaint totalling an amount of \$3,031,555.62. This represents principal plus pre-judgment interest through November 23, 1991. See Affidavit of Neal Hunt ("Hunt Aff.") ¶10.

b. Attorneys' fees and costs in the amount of \$92,410.45 incurred by the FDIC in its efforts to collect on the promissory notes and guaranty prior to the institution of this action. See Affidavit of David C. Berry ("Berry Aff.") ¶3.

c. Attorneys' fees and costs in this action in the amount of \$2,944.06 through February 1, 1992. See Berry Aff. ¶2.

d. A daily accrual amount of \$520.44 for every day commencing November 24, 1992 through the day of entry of final judgment, inclusive, representing daily accrued interest on the promissory notes and guaranty. See Hunt Aff. ¶11.

WHEREFORE, the FDIC respectfully requests pursuant to Fed. R. Civ. P. 55(b)(2) that this Court:

1. Enter default judgment in its favor and against James F. Brennan in the amount of \$3,126,910.13 plus pre-judgment interest at the daily accrual rate of \$520.44 for each day commencing November 24, 1992 through the day of entry of final judgment;

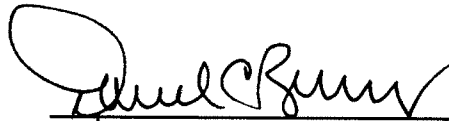
- 3 -

2. Provide such other and further relief as this Court deems just and proper.

Dated: Boston, Massachusetts
December 1, 1992

FEDERAL DEPOSIT INSURANCE
CORPORATION, As Receiver For
Yankee Bank For Finance and
Savings, FSB

By its attorneys:



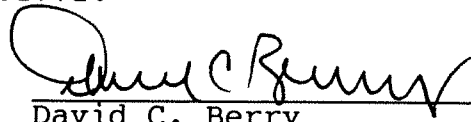
Brian E. Pastuszewski
(BBO#391030)

David C. Berry
(BBO#551509)

TESTA, HURWITZ & THIBEAULT
53 State Street
Exchange Place
Boston, Massachusetts 02109
(617) 248-7000

CERTIFICATE OF SERVICE

I hereby certify that on this first day of December, 1992 a copy of the foregoing was mailed by first-class mail, postage prepaid to James F. Brennan, at his last know address, 60 Deerfoot Road, Southboro, MA 01772.



David C. Berry

EXHIBIT 1

COPY

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FEDERAL DEPOSIT INSURANCE
CORPORATION, as receiver
for Yankee Bank for
Finance & Savings, FSB,

Plaintiff,

v.

JAMES F. BRENNAN,

Defendant.

CIVIL ACTION
NO. 91-11006MA

BBO #391030
551509

MAY 15 11 29 AM '91

REQUEST FOR DEFAULT
(PURSUANT TO FED. R. CIV. P. 55(a))

I, David C. Berry, counsel for the Federal Deposit Insurance Corporation, as receiver for Yankee Bank for Finance and Savings FSB, state as follows:

1. As demonstrated by the Return of Service made by James Desrosiers of Suvalle, Jodrey & Associates, a copy of which is attached hereto as Exhibit 1, service of the Summons and Complaint has been made on defendant James F. Brennan on April 16, 1991.

2. Pursuant to Fed. R. Civ. P. 12, the defendant was required to serve his responsive pleadings within twenty (20) days after service of process.

3. The defendant has failed to serve a responsive pleading within the time permitted by Rule 12.

United States District Court

COPY

DISTRICT OF Massachusetts

SUMMONS IN A CIVIL ACTION

FEDERAL DEPOSIT INSURANCE CORPORATION,

v.

CASE NUMBER:

JAMES F. BRENNAN,

91-11006MA

TO: (Name and Address of Defendant)

James F. Brennan

US
DISTRICT COURT
MASSACHUSETTS
APR 5 1991
FILED

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Brian E. Pastuszewski
David C. Berry
Testa, Hurwitz & Thibault
Exchange Place
53 State Street - 17th Floor
Boston, MA 02109

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.



APRIL 5, 1991
DATE

RETURN OF SERVICE

Service of the Summons and Complaint was made by me (1)

DATE

April 16, 1991

NAME OF SERVER

JAMES DESROSIERS

TITLE

Constable

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served:

, MASSACHUSETTS

☒ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person whom the summons and complaint were left:MS. JOANNE BRENNAN, WIFE. SAID SERVICE WAS MADE AT 60 DEERFOOT RD., SOUTHBORO, MASS.☐ Other: By handing true and attested copies thereof to

Duly Authorized Agent for the within-named

Said service was made at:

, MASSACHUSETTS

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

\$ 64.00

TOTAL

\$ 64.00

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on April 16, 1991

Date

Signature of Server

One Devonshire Place, Boston, Massachusetts

Address of Server

ADDITIONAL INFORMATION

PLEASE NOTE THAT IT WAS NECESSARY TO MAKE _____ ATTEMPTS BEFORE MAKING PROPER SERVICE.

Date

Time

Remarks

FEE

\$.00

\$.00

\$.00

\$.00

\$.00

\$.00

DUE & DILIGENT SEARCH: \$.00 No service was made because when constable arrived at said address he discovered said address to be

TOTAL

\$.00

(1) As to who may serve a summons see Rule 4 to the Federal Rules of Civil Procedure.

EXHIBIT 2

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FEDERAL DEPOSIT INSURANCE
CORPORATION, as receiver
for Yankee Bank for
Finance & Savings, FSB,

Plaintiff,

v.

JAMES F. BRENNAN,

Defendant.

CIVIL ACTION
NO. 91-11006MA

BBO #391030
551509

REQUEST FOR DEFAULT
(PURSUANT TO FED. R. CIV. P. 55(a))

I, David C. Berry, counsel for the Federal Deposit Insurance Corporation, as receiver for Yankee Bank for Finance and Savings FSB, state as follows:

1. As demonstrated by the Return of Service made by James Desrosiers of Suvalle, Jodrey & Associates, a copy of which is attached hereto as Exhibit 1, service of the Summons and Complaint has been made on defendant James F. Brennan on April 16, 1991.

2. Pursuant to Fed. R. Civ. P. 12, the defendant was required to serve his responsive pleadings within twenty (20) days after service of process.

3. The defendant has failed to serve a responsive pleading within the time permitted by Rule 12.

2

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Federal Dep. Ins. Corp
Plaintiff

v

JAMES F. BRENNAN
Defendant

Civil Action
No. 91-11606-MA

NOTICE OF DEFAULT

Upon application of the Plaintiff, FDIC
for an order of Default for failure of the Defendant, JAMES
F. BRENNAN, to plead or otherwise defend as provided by
Rule 55(a) of the Federal Rules of Civil Procedure, notice is hereby
given that the Defendant has been defaulted this 4th day of
June, 1991.

ROBERT J. SMITH, JR.

Clerk

by:

M. Malloy
Deputy Clerk

Notice mailed to:

cc/cl

#1
6/4/91

4

08CV3213 LI
JUDGE PALLMEYER
MAGISTRATE JUDGE COLE

EXHIBIT B

**ASSIGNMENT FROM FEDERAL DEPOSIT INSURANCE CORPORATION, AS
RECEIVER FOR YANKEE BANK FOR FINANCE AND SAVINGS, FSB TO CNF FIRST
ASSOCIATES II, L.P.**

THIS INSTRUMENT PREPARED BY:

Name: Ann Gay
Title: FDIC/DRR
FEDERAL DEPOSIT INSURANCE CORP.
1910 Pacific Avenue, Dallas, Texas 75201

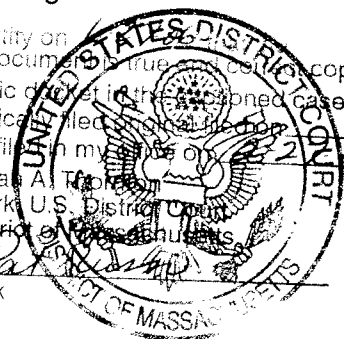
AFTER RECORDING RETURN TO:

Name: THE CADLE COMPANY
Address: 100 N CENTER STREET
NEWTON FALLS, OH 44444

I hereby certify on the foregoing document is a true and correct copy of the
☐ electronic document in the captioned case
☐ electronically filed in the captioned case
☒ original filed in my office of

Sara A. Thompson
Clerk U.S. District Court
District of Massachusetts

By: _____
Deputy Clerk



ASSIGNMENT OF JUDGMENT

Date: February 2, 2006 **EFFECTIVE DATE:** June 26, 1996

Defendant(s): James F. Brennan

Plaintiff(s): Federal Deposit Insurance Corporation, a Receiver for Yankee Bank for Finance and Savings, FSB

Plaintiff's Successor in Interest ("FDIC"):

FEDERAL DEPOSIT INSURANCE CORPORATION as Receiver for Yankee Bank for Finance and Savings, FSB, Boston, Massachusetts ("FDIC")

FDIC's Address: 1910 Pacific Avenue, Dallas, Texas 75201

Assignee: CNF First Associates II, L. P.
507 Prudential Road, Horsham, PA 19044

Judgment:

Date: October 29, 1996

Style of Case: Federal Deposit Insurance Corporation, a Receiver for Yankee Bank for Finance and Savings, FSB, vs. James F. Brennan

Court: United States District, District of Massachusetts

Cause No.: Civil Action No. 91-11006MA

Judgment Amount: \$3,055,836.44, plus interest, costs, and attorney fees, if any.

Judgment is described in the following document(s):

United States District, District of Massachusetts, Civil Action No. 91-11006MA, filed October 31, 1996.

For value received the receipt and sufficiency of which are hereby acknowledged, the Holder of the Judgment, the FDIC, transfers and assigns the Judgment to Assignee. This Assignment of Judgment is made without recourse, representation or warranty, express or implied, upon or by the FDIC.

Where context requires, singular nouns and pronouns include the plural.

FEDERAL DEPOSIT INSURANCE CORPORATION
in the capacity stated above.

By: *James C. Boyles*
James C. Boyles, Attorney-in-fact

ACKNOWLEDGMENT

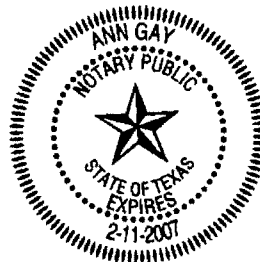
STATE OF TEXAS §
 §
COUNTY OF DALLAS §

On February 2, 2006, before me, a Notary Public for the State of Texas, personally appeared James C. Boyles, Attorney-in-fact, known to me to be the person whose name is subscribed to the within instrument as the Attorney-in-fact of the Federal Deposit Insurance Corporation, who acknowledged to me that he subscribed the name of Federal Deposit Insurance Corporation, as principal, and his own name as Attorney-in-fact; that the instrument was signed for the purposes contained therein on behalf of the said Federal Deposit Insurance Corporation by authority of the said Federal Deposit Insurance Corporation; and that the instrument is the free act and deed of Federal Deposit Insurance Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the date above written.

Ann Gay
Name: Ann Gay
Notary Public in and for the State of Texas

Revised by RMJ 7/11/00 (Massachusetts) Assignment of Judgment



08CV3213 LI
JUDGE PALLMEYER
MAGISTRATE JUDGE COLE

EXHIBIT C

**ASSIGNMENT FROM CNF FIRST ASSOCIATES II, L.P. TO CADLES OF GRASSY
MEADOWS II, L.L.C.**

Case 1:91-cv-11006-ADM Document 20 Filed 04/17/2006 Page 1 of 1

I hereby certify on 4/27/06 that the foregoing document is true and correct copy of the

☐ electronic docket in the captioned case☐ electronically filed original document☐ original filed in my office on 4/27/06UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSSarah A. Thornton
Clerk, U.S. District Court
District of MassachusettsBy: [Signature]
Deputy ClerkFEDERAL DEPOSIT INSURANCE CORPORATION,
as Receiver for YANKEE BANK FOR FINANCE AND
SAVINGS, FSB,

Plaintiff,

vs.

JAMES F. BRENNAN,
Defendant.

CIVIL ACTION NO. 91-11006MA

ASSIGNMENT OF JUDGMENT

FOR VALUE RECEIVED, the undersigned, CNF FIRST ASSOCIATES II, L.P., located at 507 Prudential Road, Horsham, Pennsylvania 19044 (hereinafter the "Assignor"), hereby transfers, assigns and conveys without recourse, representation or warranty of any kind or nature unto CADLES OF GRASSY MEADOWS II, L.L.C. located at 100 North Center Street, Newton Falls, Ohio 44444 (hereinafter the "Assignee"), all its right, title, interest, powers and options in, if any, in the Judgment rendered in Civil Action No. 91-11006MA in the United States District Court, Massachusetts, wherein Federal Deposit Insurance Corporation, as Receiver for Yankee Bank for Finance and Savings, FSB was the Plaintiff and James F. Brennan was the Defendant.

IN WITNESS WHEREOF, Assignor has executed this Assignment of Judgment as of February 13, 2006 but effective as of December 29, 2003.

[Signature]
Cindy Lou Garro, Witness

[Signature]
Kathryn T. Sabol, Witness

CNF FIRST ASSOCIATES II, L.P., BY CADLES OF GRASSY MEADOWS II, L.L.C., A WEST VIRGINIA LIMITED LIABILITY COMPANY, ITS ATTORNEY IN FACT, BY POWER OF ATTORNEY DATED DECEMBER 29, 2003 AND RECORDED ON FEBRUARY 5, 2004 WITH THE TRUMBULL COUNTY RECORDER, OHIO UNDER INSTRUMENT NO. 200402050003518

By: [Signature]
Daniel C. Cadle
Its: Manager

STATE OF OHIO
COUNTY OF TRUMBULL

Before me, a Notary Public in and for said County and State, personally appeared Daniel C. Cadle who under penalty of perjury in violation of Section 2921.11 of the Revised Code represented to me to be said person and who signed the foregoing Instrument and acknowledged the same as his voluntary act and deed.

Executed this 13th day of February, 2006.

[Signature]
Kathleen A. Suzelis, Notary Public

PREPARED BY AND AFTER
RECORDING RETURN TO:
CADLES OF GRASSY MEADOWS II, L.L.C.
100 North Center Street
Newton Falls, OH 44444-1321
(330) 872-0918
Debtor: James Brennan
Our File No. WWC41078
I:\Katie_Suzelis\ASSIGNING DEPT\Main\WWC4\WWC41078 J. Brennan AJ-Grassy.doc



KATHLEEN A. SUZELIS
Notary Public - State of Ohio
My Comm. Expires March 21, 2009